

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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vs.

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CIVIL ACTION No. MJG-13-2296

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(CRIMINAL No. MJG-11-0570)

DONTA VAUGHN

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MEMORANDUM AND ORDER

The Court has before it Petitioner's Motion to Vacate and Correct Sentence [Document 32] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

On June 20, 2012, Petitioner was convicted on a plea of guilty to charges of Escape from Custody [18 U.S.C. § 751(a)] and Assault on a Federal Officer with a Dangerous or Deadly Weapon [18 U.S.C. § 111]. On October 15, 2012, Petitioner was sentenced to concurrent sentences of 60 months on each charge.

The instant motion was filed under seal at Petitioner's request. See Document 30. This Order will not be filed under seal, but it will not disclose the information based upon which Petitioner requested sealing.

The Government states in its Response [Document 38], that Petitioner "has filed a petition for relief asking that th[e] Court vacate the conviction and sentence imposed on Count Two.

He does not contend that his sentence on Count One was improper."

The Court, however, cannot agree with Government counsel. Petitioner has filed a 43-page motion that includes 155 paragraphs, virtually all of which begin with the word "whereas." Petitioner refers to a variety of subjects, including to some pending state homicide charge against him that may carry a life sentence, complaints about the conditions and location of his incarceration, etc. It is not possible to ascertain what it is that Petitioner seeks to have the Court do that may be within its jurisdiction.

Under the circumstances, the Court will deny the instant motion but will grant Petitioner the opportunity to file an amended motion that, in an understandable manner, states (1) any relief sought that may be within the jurisdiction of the Court and (2) the basis for such relief.

Petitioner is free, of course, to file with the Clerk motions seeking relief within the jurisdiction of the Court provided that the motions are served upon Government counsel. Petitioner may not, however, continue to send the Court informal communications that are not filed with the Clerk and not served upon Government counsel. Such communications may be returned to Petitioner without response.

Accordingly:

1. Petitioner's Motion to Vacate and Correct Sentence [Document 32] is DENIED.
2. Petitioner may, by March 7, 2014, file an Amended Motion to Vacate and Correct Sentence that states, in an understandable manner (1) the relief sought and (2) the legal basis for such relief.
3. Further informal communications from Petitioner to the Court that are not served upon Government counsel may be returned without response.

SO ORDERED, this Friday, December 06, 2013.

_____/s/_____
Marvin J. Garbis
United States District Judge